

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

TREMONT REALTY CAPITAL, INC., a
Massachusetts Corporation,
Plaintiff,

v.

PINNACLE GROUP, LLC, an Arizona limited
liability company; ADAMS CANYON RANCH,
LLC, an Arizona limited liability company,
John Lang, an individual; and MICHAEL
GRADY, an individual,
Defendants
and

PINNACLE GROUP, LLC, an Arizona limited
liability company; ADAMS CANYON RANCH,
LLC, an Arizona limited liability company,
JOHN LAND, an individual; and MICHAEL
GRADY, an individual,
Counterclaimants,

v.

TREMONT REALTY CAPITAL, INC., a
Massachusetts Corporation,
Counter-Defendant,
and

PINNACLE GROUP, LLC, an Arizona limited
liability company; ADAMS CANYON RANCH,
LLC, an Arizona limited liability company,
JOHN LAND, an individual; and MICHAEL
GRADY, an individual,
Third-Party Plaintiffs,

v.

FORTIS ADVISORS, LLC, an Arizona
limited liability company, TREMONT-FORTS
REALTY CAPITAL, LLC, an unknown entity;
RUSSELL POSORSKE, an individual;
RICHARD C. GALLITTO, an individual;
DANIEL O. MEE, an individual,
Third-Party Defendants.

Case No. 04-11853-RGS

**NOTICE OF VOLUNTARY
DISMISSAL**

Now come the third-party plaintiffs in the above-captioned matter and pursuant to Fed. R. Civ. P. Rule 41(a)(1)(i), hereby dismiss Count IV of the Second Amended

Third-Party Complaint (asserting breach of contract claims). This dismissal pertains only to Count IV of the Second Amended Third-Party Complaint.

Respectfully Submitted,
PINNACLE GROUP, LLC,
ADAMS CANYON RANCH, LLC,
JOHN LANG, and MICHAEL GRADY,

/s/ Michael B. Newman

William J. Hunt (BBO #244720)
Michael B. Newman (BBO #632222)
Clark Hunt & Embry
55 Cambridge Parkway
Cambridge, MA 02142
(617) 494-1920